IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9674/07
Mukut Behari Vs. Manju & Ors.

Date of order : 30/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Hridayesh Singh for the petitioner.

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This writ petition has been filed challenging the order dated 20.8.2007 whereby the learned trial court on application of the defendant-respondent amended the issues originally framed. Issue no.3 was to the effect as to what would the effect of filing an appeal against the judgment of acquittal of the petitioner dated 24.2.2004 and issue no.4 was to the effect whether the defendant had correctly lodged the report for correct prosecution. According to the defendant these issues were not correctly framed, therefore, he applied the Court and the learned trial court has deleted the aforesaid issue and framed new issue whether the

plaintiff has lodged the prosecution without any reasonable basis and maliciously.

Having heard the learned counsel for the petitioner and perused the impugned order, I find that the issue which has now been framed is the only appropriate issue, which could be framed in the light of the controversy that is involved in this matter because it is the plaintiff-petitioner who filed the civil suit for damages for his alleged malicious prosecution at the instance of the defendant.

I therefore do not find any irregularity in the impugned order warranting interference by this Court.

The writ petition is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

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